

REMARKS/ARGUMENTS:

Entry of the above amendments, and reconsideration of the claim rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Please cancel claims 1, 6, 18, and 20 without prejudice or disclaimer of the subject matter contained therein. Claim 14 has been previously cancelled. Claims 2-5, 7-13, 15-17, 19, 21, and 22 remain in the application. In this Response, claims 2-5, 7-10, 12, 13, 15, 17, 19, 21, and 22 have been amended.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct claim dependency, to correct antecedent basis, to put the claim in conventional form, to correct punctuation, and the like.

Specifically, claims 2-5, 7, 9, 10, 12, 13, 15, 17, and 22 were amended to correct their dependence upon a cancelled claim (claim 1).

Claims 2, 4, and 8 were amended to correctly indicate the antecedent basis of a claim element ("the two planar sections" should be "the first and second planar sections").

Claim 3 was amended to correctly indicate the antecedent basis of a claim element ("the cross section" should be "a cross section").

Claim 8 was amended to correct punctuation ("opening," should be "opening;").

Claim 8 was also amended to correct claim form as the word "and" was inadvertently used apart from the penultimate claim element.

Claim 9 was amended to correctly indicate the antecedent basis of a claim element ("the group" should be "a group").

Claims 19 and 22 were amended to correctly indicate the antecedent basis of claim elements ("a first appearance" should be "said first appearance" and "a second appearance" should be "said second appearance").

No new matter has been introduced through any of these claim amendments.

A. Rejection of Claims
Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-7, 10, 12, 13, 15, 17, 18, 20, and 22 under 35 U.S.C. §103(a) as being unpatentable over Biebuyck, U.S. Patent No. 5,319,882.

In response, Applicant has cancelled claims 6, 18, and 20 rendering the rejection moot in respect to these claims. Applicant has also amended claims 2-5, 7, 10, 12, 13, 15, 17, and 22 to depend upon independent claim 8. The examiner has indicated that independent claim 8, as well as dependent claims 19 and 21, are allowable over the prior art of record. Claims 2-5, 7, 10, 12, 13, 15, 17, and 22 now depend upon independent claim 8, now allowed, and include all of the elements and limitations thereof. Thus, dependent claims 2-5, 7, 10, 12, 13, 15, 17, and 22 are also allowable over the prior art of record. Accordingly, Applicant respectfully requests retraction of the Examiner's rejection of claims 2-5, 7, 10, 12, 13, 15, 17, and 22 under 35 U.S.C. § 103(a).

The Examiner has rejected claims 9, 11, and 16 under 35 U.S.C. §103(a) as being unpatentable over Biebuyck in view of Van Sandt, U.S. Patent No. 5,212,907. In response, Applicant has amended claim 9 to depend upon independent claim 8. The examiner has indicated that independent claim 8, as well as dependent claims 19 and 21, are allowable over the prior art of record. Claim 9 now depends upon independent claim 8, now allowed, and includes all of the elements and limitations thereof. Thus, dependent claim 9 is also allowable over the prior art of record. Since claims 11 and 16 depend upon dependent claim 9, and also include all of the elements and limitations of independent claim 8 and intervening claim 9, dependent claims 11 and 16 are also allowable over the prior art of record. Accordingly, Applicant respectfully requests retraction of the Examiner's rejection of claims 9, 11, and 16 under 35 U.S.C. § 103(a).

B. Allowable Subject Matter

Attorney for Applicant spoke with Examiner Redman by telephone to clarify the meaning of the following sentence on page 3 of the office action:

“Claims 8, 19, and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this office action.”

Since the office action contains no 35 U.S.C. 112, 2nd paragraph rejections, Attorney for Applicant was not sure of the Examiner's intent or meaning. Examiner Redman indicated to Attorney for Applicant over the telephone that the sentence should read as follows:

"Claims 8, 19, and 21 are allowable."

Attorney for Applicant thanks Examiner Redman for the clarification.

Attorney for Applicant acknowledges the allowance of claims 8, 19, and 21 by the Examiner with appreciation. Attorney for Applicant agrees with the Examiner's Statement of Reasons for Allowance to the extent that the claims of the present invention are patentable over the references in the record. Attorney for Applicant expressly traverses the Examiner's Statement of Reasons for Allowance to the extent that any comment is intended or has the effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated.

Attorney for Applicant further points out that the reasons for allowance set forth by the Examiner are not the only reasons that claims 8, 19, and 21 are allowable. Further reasons for allowance of the claims beyond those enumerated by the Examiner are described and set forth in the specification. In addition, structures that perform substantially the same function in substantially the same way to achieve the same results are included within the scope of the claims.

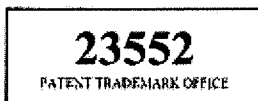
Finally, as the Examiner's reasons for allowance are not exhaustive, such reasons for allowance do not establish an estoppel against Attorney for Applicant seeking and obtaining allowance of additional, broader claims in a continuation application, which Attorney for Applicant reserves the right to file.

CONCLUSION:

This Amendment fully responds to the Final Office Action mailed on October 16, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.


Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant has authorized a charge against a credit card for the extension fee due with this response, or any future reply. Please charge all required fees, or fees under 37 C.F.R. 1.17, if any are due with this response, or credit any overpayment to, deposit account 13-2725.



Respectfully submitted,

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